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FEB 25 2003
OFFICE OF PETITIONS

Applicant: Rogner et al.
Appl. No.: 09/847,665
Filing Date: May 3, 2001
Title: IDENTIFICATION OF NEURAL DEFECTS ASSOCIATED WITH THE
NUCLEOSOMAL ASSEMBLY PROTEIN 112 GENE
Attorney Docket No.: 03495.0203-00000
Pub. No.: US 2002/0102566 A1
Pub. Date: August 1, 2002

This is a decision on the request for corrected patent application publication under 37 CFR 1.221(b), filed on September 30, 2002 for the above-identified application.

The request is granted-in-part.

The corrected patent application publication will be published in due course and will only include corrections for errors made by the Office.

A patent application publication is based on the application papers as originally filed, according to 37 CFR 1.215(a), which says the following, in part:

(a) . . . The patent application publication will be based upon the application papers deposited on the filing date of the application, as well as the executed oath or declaration submitted to complete the application . . . The patent application publication will not include any amendments, including preliminary amendments, unless applicant supplies a copy of the application containing the amendment pursuant to paragraph (c) of this section.

37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent from Office records." The instant request includes mistakes that are not the fault of the Office, which will not be corrected by a corrected publication made by the Office.

Specifically in paragraph [0133] the Office published "Nap1L2/NAP1L2", applicant request that the Office publish "Nap1L2/NAP1L2", the Office will publish "Nap1L2/NAP1L2", which correctly reflects the application as originally filed.

On page 15, the SEQ ID NO: 6 will be moved to the end of claim 45, however the errors in the sequence will not be corrected as the text on the page is very small and in such a poor quality that the errors are due to the quality of the text. Applicant is advised that he may want to file a cleaner copy of application papers, as some of the errors are due to faint or slightly blurred text.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d)

will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), should be submitted via the EFS system and any question or request for reconsideration of this decision, should be addressed as follows:

By mail to: Box PGPUB
Commissioner for Patents
Washington, DC 20231

By facsimile: 703-305-8568

The application is being forwarded to the Office of PreGrant Publication (PG-PUB) in Crystal Park 3-905 for further processing.

Inquiries relating to this matter may be directed to Mark Polutta at (703) 308-8122 (voice) or (703) 746-3465 (facsimile).

Reo. Paint

Mark O. Polutta
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy